

REMARKS

Claims 1 – 23 are pending and rejected.

The applicants' attorney adds claims 24 – 26. The applicants' attorney respectfully disagrees with the examiner's rejection of claims 1 – 23 and asserts that claims 1 – 26 are in condition for allowance for the reasons discussed below.

The applicants' attorney will first discuss the patentability of the new claims 24 – 26 so that the examiner can easily refer to the attorney's discussion of U.S. Patents 4,820,216 issued to Masters (Masters) 2,376,714 issued to Mussen (Mussen) and 3,144,909 issued to Hart et al. (Hart) when reviewing the attorney's rebuttal of the examiner's rejection of claims 1 – 23.

Patentability of claim 24

The applicants' attorney asserts that claim 24 is allowable over Masters, Mussen and Hart because each fails to disclose a retainer having a hook operable to receive the second component to releasably lock the position of the second component relative to the first component.

Claim 24 recites a coupler for coupling sections of a paddle together and angularly positioning the sections relative to each other about a paddle axis. The coupler includes a first component mountable to a first section of the paddle and including a receptacle, and a second component mountable to a second section of the paddle and including a protrusion for extending into the receptacle of the first component to position the first component relative to the second component. The coupler also includes a retainer having a hook operable to receive the second component to releasably lock the position of the second component relative to the first component.

For example, as shown in FIGS. 2 – 4 and discussed in paragraphs 26 and 30 of the specification, the coupler 32 includes a first component 50, a second component 52 and a retainer 39 for releasably locking the first component 50 with the second

component 52, and thus the first section 34 of the kayak paddle 30 with the second section 36 of the paddle 30. The first component 50 includes a lip 76, and the retainer 39 includes a hook 66 for receiving the lip 76 to lock the first component 50 with the second component 52. As shown in FIG. 4, when the hook 66 receives the lip 76, the retainer 39 locks the first component 50 with the second component 52. To unlock the components 50 and 52, and change the angular position of the paddle's first section 34 relative to the paddle's second section 36, one first moves the hook 66 away from the lip 76 by pushing the top 82 of the retainer 39. Then one moves the first component 50 away from the second component 52, changes the angular position of the first component 50 relative to the second component 52, and moves the first component 50 back toward the second component 52 to be locked again with the second component.

In contrast, Masters fails to disclose a retainer having a hook operable to receive the second component to releasably lock the position of the second component relative to the first component. Masters discloses a kayak paddle A (FIGS. 1 and 2) that includes a first handle section 14, a second handle section 16, and an adjustable joint (C in FIGS. 1, 2, 3; E in FIG. 6 and F in FIG 10) for coupling the sections 14 and 16 together. The adjustable joint C, E and F includes a compression lock 30 (FIGS. 3, 6 and 10) to prevent the axial and rotational movement of the sections 14 and 16 relative to each other by generating friction between the sections. The paddle A may or may not also include a conventional cam lock 26 to also prevent the axial and rotational movement of the sections 14 and 16 relative to each other. The compression lock 30 includes a compression ring 32 (FIGS. 3, 6 and 10) disposed on the outside of the second-handle-section's shaft (28 in FIG. 3, 54 in FIG. 6 and 66 in FIG. 10), and a compression nut 34 (FIGS. 3, 6 and 10). When the compression nut 34 is threaded over the compression ring 32, the compression nut 34 forces the compression ring 32 against the shaft 28, or wedges the compression ring 32 between the shafts 50 (FIG. 6) and 54 or the shafts 62 (FIG. 10) and 66. Consequently, friction is generated between the shafts 28 and 24, the compression ring 32 and shafts 50 and 54, and the compression ring 32 and shafts 60 and 66. When the compression nut 34 is moved away from the compression ring 32 the generated friction subsides and one may angularly or axially move the handle sections 14 and 16 relative to each other. Unlike

the applicants' retainer in claim 24, the compression lock 30 and the cam lock 26 do not include a hook to releasably lock the position of the first handle section 14 relative to the second handle section 16.

Mussen also fails to disclose a retainer having a hook operable to receive the second component to releasably lock the position of the second component relative to the first component. Mussen discloses a windshield cleaner (shown in FIGS. 1 and 2 and referred to without a reference number) that includes a wiper 5 (FIGS. 1 and 2), an actuating shaft 8 (FIGS. 1 and 2) to move the wiper 5, a shaft-engaging portion 1 (FIGS. 1 – 3) to mount the wiper 5 to the shaft 8, and a lever 13 (FIG. 4) to frictionally prevent the shaft-engaging portion 1 from lifting off the shaft 8. The lever 13 is attached to the shaft-engaging portion 1 by a pin 14 (FIG. 4) and connected to a spring 6 (FIGS. 2 and 3) that urges the lever 13 to pivot about the pin 14. When the spring 6 pivots the lever 13 about the pin 14, the rounded nose 16 of the lever 13 is forced against shaft 8 and generates friction between the nose 16 and the shaft 8. Unlike the applicants' retainer in claim 24, Mussen's wiper cleaner does not include a hook operable to receive the shaft 8 or the shaft-engaging portion 1 to releasably lock the position of the shaft 8 relative to the portion 1.

Hart also fails to disclose a retainer having a hook operable to receive the second component. Hart discloses a propeller retention means (shown in FIGS. 1 – 4 and referred to without a reference number) that includes a retainer element 13 (FIGS. 1 – 4) that fits over the end of a power output shaft 10 (FIGS. 2 – 4), and a clip 28 (FIGS. 1 – 4) inserted into the retainer element 13 to receive the shaft 10. When the clip 28 receives the shaft 10 as shown in FIGS. 2 and 3, the clip 28 holds the retainer element 13 on the shaft 10. Thus, should the shear pin 16 (FIG. 2) shear apart, the propeller 11 (FIGS. 1 and 2) will be retained. When the shaft 10 is not disposed in the clip 28 as shown in FIG. 4, the clip 28 does not hold the retainer element 13 on the shaft 10. Thus, one can pull the retainer element 13 off to access internal components of the propeller 11 and shaft 10, and should the shear pin 16 shear apart, the propeller 11 could move off the shaft and be lost. As shown in FIG. 4, and discussed in the specification (Col. 3 lines 16 – 28) the stop portions 32 (FIGS. 2 – 4) of the clip 28 receive the shoulders 25 (FIG. 3) to retain the clip 28 with the retainer element 13.

Unlike the applicants' retainer in claim 24, Hart's clip 28 does not include a hook operable to receive the shaft 10 or propeller 11 to releasably lock the position of the propeller 11 relative to the shaft 10.

Patentability of claim 25

Claim 25 is allowable over Masters and Mussen for reasons similar to those recited in support of the allowability of claim 24 over Masters and Mussen.

Patentability of claim 26

Claim 26 is allowable over Masters, Mussen and Hart for reasons similar to those recited in support of the patentability of claim 24 over Masters, Mussen and Hart.

Rejection of claims 1 – 11 under 35 U.S.C. §103(a)

The applicants' attorney respectfully disagrees with the examiner's rejection of claim 1 in view of Masters and Mussen for three reasons. First, the examiner has failed to show that Masters, Mussen or the knowledge generally available to one skilled in the art includes a motivation or suggestion to combine Masters and Mussen. Second, Mussen is non-analogous art to the applicants' field of endeavor, and thus, is improperly combined by the Examiner with Masters. And third, if Masters and Mussen were properly combinable, one of ordinary skill in the art would not find their combination obvious.

To establish a *prima facie* case of obviousness, three basic elements are required. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. And third, the references when combined must teach or suggest all the claim limitations. MPEP; 8th edition; §2143.

Examiner Fails to Show That a Motivation or Suggestion to Combine Exists in Masters, Mussen or the Knowledge Generally Available to One Skilled in the Art

Masters and Mussen each fail to motivate or suggest one to combine Masters' kayak paddle with Mussen's windshield cleaner to make a kayak paddle having a coupler that couples two paddle shafts together more securely than a conventional collet that relies on friction, and that provides the blade of each shaft specific angular positions relative to each other that remain consistent after adjusting the blades' angular position many times. And the examiner has not shown that a motivation or suggestion for making the same combination exists in the knowledge generally available to one of ordinary skill in the art.

The examiner asserts that the motivation to combine Masters' kayak paddle with Mussen's manner of coupling a windshield wiper to a power shaft is to allow small incremental adjustment to the angular position of the two shafts of Master's kayak paddle. The applicants' attorney asserts that this motivation does not lead one of ordinary skill in the art to combine Masters' paddle with Mussen's coupling manner. Masters' kayak paddle allows incremental adjustment to the angular positions of the paddles' shafts. To make an incremental adjustment to the angular positions of the shafts, one simply loosens the compression lock 30; rotates the shaft 16 relative to the shaft 14 a desired angular increment; and then tightens the compression lock 30. Because Master's kayak paddle allows incremental adjustment to the angular positions of the paddles' shafts, this motivation would not urge one of ordinary skill in the art to modify Masters' kayak paddle. Therefore, this motivation would not urge one of ordinary skill in the art toward Mussen, and thus, would not urge one of ordinary skill in the art to combine Mussen's coupling manner with Masters' kayak paddle.

Therefore, the examiner has failed to show that a motivation or suggestion to combine Masters' kayak paddle with Mussen's coupling manner to make a kayak paddle having a coupler as claimed exists in Masters, Mussen or the knowledge generally available to one skilled in the art.

Non-Analogous Art

The applicants respectfully disagree with the examiner's rejection of claim 1 because Mussen is not analogous art, and therefore, not properly combinable with Masters to support the rejection under 35 U.S.C. §103(a).

A reference is analogous if the reference is in the field of the applicants' endeavor, or reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992), MPEP §2141.01(a). "A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one, which because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *Wang Laboratories Inc. v. Toshiba Corp.* 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993), MPEP §2141.01(a).

Mussen is not analogous art because Mussen is not in the applicants' field of endeavor and is not reasonably pertinent to the particular problem with which the applicant was concerned. The applicants' field of endeavor involves angularly positioning the blades of a kayak and/or canoe paddle consistently, and securing the blades' angular position once established. Mussen's field of endeavor involves mounting a windshield wiper to the wiper's power shaft. Because the two fields are different, Mussen is not in the applicants' field of endeavor.

Mussen is not reasonably pertinent to the particular problem the applicant was concerned with because Mussen does not logically commend itself to the applicants' attention in considering his problem. Because windshield wipers are rarely removed from their power shaft, the wipers angular position relative to its power shaft is rarely adjusted. Furthermore, if one does remove a wiper from its power shaft, one typically thinks of changing the path the wiper travels when powered by the shaft. One typically does not think of adjusting the angular position of the wiper relative to the power shaft. Thus, one of ordinary skill in the art would not have been reasonably expected to consider windshield wipers and how they are mounted to their power shafts to solve the

problem of securely coupling two shafts of a kayak paddle, while allowing one to easily change the angular position of each shaft's blade relative to each other.

If Masters And Mussen Were Combinable, Their Combination Is Not Obvious

The applicants' attorney asserts that if Masters and Mussen were properly combinable, one of ordinary skill in the art would not find their combination obvious. Masters was issued 11 April 1989, and thus has been publicly disclosed at least 14 years before the applicants filed the current application. Mussen was issued 22 May 1945, and thus has been publicly disclosed at least 58 years before the applicants filed the current application. If the combination of Masters' kayak paddle with Mussen's coupling manner was obvious to one of ordinary skill in the art, then a kayak paddle having a coupler like the applicants' claimed coupler should have been made during the 14 year period. But, applicants' attorney is not aware of the existence of such a paddle. Therefore, the applicants' attorney asserts that if Masters and Mussen were properly combinable, one of ordinary skill in the art would not find it obvious to combine them.

Claims 2 – 11 are patentable by virtue of their dependencies on claim 1.

Rejection of claims 12 – 19 under 35 U.S.C. §103(a)

Claim 12 is patentable over Masters and Mussen for reasons similar to those recited above in support of claim 1 over Masters and Mussen.

Claims 13 – 19 are patentable by virtue of their dependencies from claim 12.

Rejection of claims 20 – 23 under 35 U.S.C. §103(a)

Claim 20 is patentable over Masters and Mussen for reasons similar to those recited above in support of claim 1 over Masters and Mussen.

Claims 22 and 23 are patentable by virtue of their dependencies from claim 20.

Conclusion

Applicants' attorney respectfully request that the Examiner withdraw his rejection of claims 1 – 23 in view of applicants' amendments and remarks and issue an allowance for claims 1 – 26.

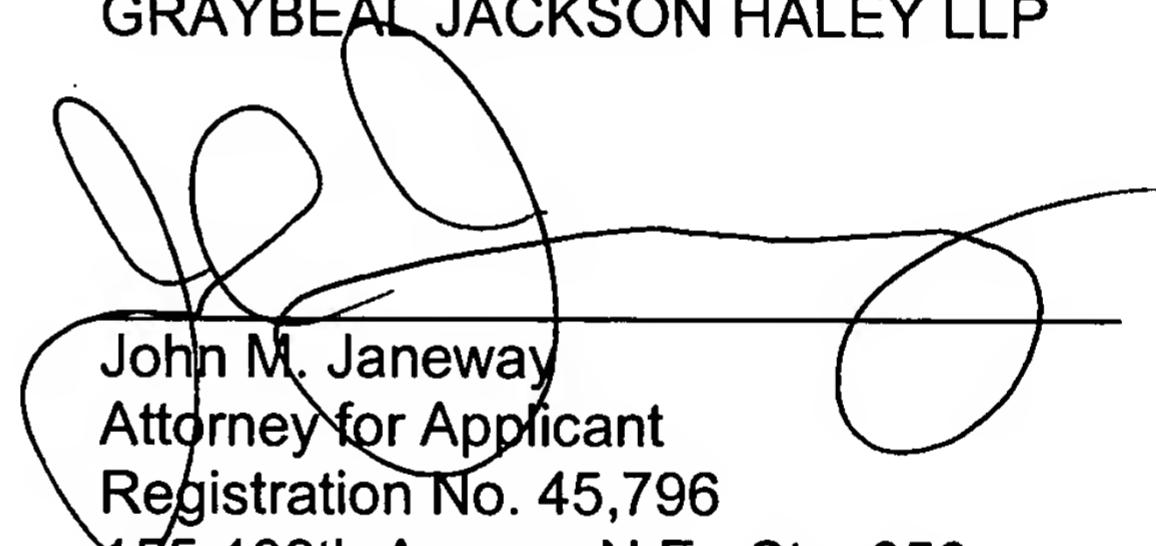
Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, John Janeway, at (425) 455-5575.

DATED this 27th day of August, 2004.

Respectfully submitted,

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